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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,386	11/19/2003	Naoko Ohmori	1448.1045	5467

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EXAMINER	
WIENER, ERIC A	

ART UNIT	PAPER NUMBER
2179	

MAIL DATE	DELIVERY MODE
12/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/715,386	OHMORI, NAOKO	
	Examiner	Art Unit	
	Eric A. Wiener	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 October 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *19 November 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/11/2007 has been entered.

2. Claims 1 – 8 are pending. Claims 1, 7, and 8 are the independent claims. Claims 4, 7, and 8 are the amended claims.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1 – 3, 7, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Azvine et al. (US 7,007,067 B1) in view of Dowling et al. (US 2002/0152045).

As per claims 1, 7, and 8, Azvine discloses *an information processing method, a computer-readable medium storing a program, and an information processing apparatus comprising the steps/instructions/means for: extracting information relating to a telephone caller*

(Abstract and column 37, lines 34 – 49) *and displaying, on an information processing apparatus of a first staff, the information relating to the caller in a window* (column 30, lines 7 – 25).

Azvine does not explicitly disclose that the method, computer-readable medium, and apparatus include deciding a background color of a window based on a response method specified by a second staff in advance and indicating how to respond to the telephone call or that the displaying of the information relating to the caller in a window should correspond to the decided color.

However, in an analogous art, Dowling discloses *deciding a background color of a window based on a response method specified by a second staff in advance and indicating how to respond to the telephone call or that the displaying of the information relating to the caller in a window should correspond to the decided color* ([0143]), wherein the disclosed user that may program and load instructions, ([0143], lines 20 – 31), corresponds to a second staff and any user of the phone corresponds to a first staff.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teaching of Dowling with the method, computer-readable medium, and apparatus of Azvine to develop a method, computer-readable medium, and apparatus for extracting and displaying caller information wherein the information is conveyed in a color-coordinated manner. The modification would have been obvious, because it would be useful to provide a way of displaying caller information to a user in a peripheral way so that the user will easily be alerted to the type of information displayed (Dowling, [0008]).

As per claim 2, Azvine and Dowling substantially disclose the method of claim 1. In addition, Azvine further discloses *extracting information relating to the second staff, wherein the*

displaying includes displaying the information relating to the second staff in the window (column 7, lines 42 – 60).

As per claim 3, Azvine and Dowling substantially disclose the method of claim 1. In addition, Azvine further discloses *extracting information relating to a meeting between the caller and the second staff, wherein the displaying includes displaying the information relating to the meeting in the window* (column 29, line 45 – column 30, line 25).

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Azvine and Dowling in view of Adams et al. (US 6,631,186 B1).

As per claim 4, Azvine and Dowling disclose the method of claim 1.

Azvine and Dowling do not explicitly disclose that if the response method indicates to deliver a message from the second staff to the caller, the displaying includes displaying contents of the message in the window.

However, in an analogous art, Adams discloses that *if the response method indicates to deliver a message from the second staff to the caller, the displaying includes displaying contents of the message in the window* (column 29, lines 20 – 32 and Figure 9).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teaching of Adams with the method of Azvine and Dowling to develop a method of extracting and displaying color-coordinated caller information wherein if the response method indicates to deliver a message from the second staff to the caller, the displaying includes displaying contents of the message in the window. The modification would have been obvious, because the user would want a means for categorizing communications, as

well as for monitoring user responses through the displaying of the responding messages (Azvine, column 1, lines 53 – 65).

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Azvine and Dowling in view of Pepper et al. (US 5,930,700).

As per claim 5, Azvine and Dowling disclose the method of claim 1.

Azvine and Dowling do not explicitly disclose that the method further comprises notifying the second staff by an electronic mail whether a message is delivered to the caller, if the response method indicates to deliver a message from the staff in charge to the caller.

However, in an analogous art, Pepper discloses *notifying the second staff by an electronic mail whether a message is delivered to the caller, if the response method indicates to deliver a message from the second staff to the caller* (column 11, lines 18 – 35).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teaching of Pepper with the method of Azvine and Dowling to develop a method of extracting and displaying color-coordinated caller information wherein if the response method indicates to deliver the caller a message from the second staff, then notifying the second staff by an electronic mail whether the caller received said message. The modification would have been obvious, because given that the method is to act as assistant to the user to manage communications (Pepper, column 2, lines 62 – 64), the user would want a means for categorizing communications and in turn recommending actions, such as the sending of electronic mail, based on the categorized communication (Azvine, column 1, lines 53 – 65).

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Azvine and Dowling in view of Fultz (US 2002/0156701 A1).

As per claim 6, Azvine and Dowling disclose the method of claim 1.

Azvine and Dowling do not explicitly disclose that the method further comprises notifying the second staff of a change in date or location of a future meeting by an electronic mail, if the response method has not been specified and a future meeting is planned between the second staff and the caller.

However, in an analogous art, Fultz discloses *notifying the second staff of a change in date or location of a* future *meeting by an electronic mail, if the response method has not been specified and a future meeting is planned between the second staff and the caller* ([0039]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teaching of Fultz with the method of Azvine and Dowling to develop a method of extracting and displaying color-coordinated caller information wherein if the caller wishes to change a future appointment, the second staff will be notified of such a change through an electronic message. The modification would have been obvious, because the user would want a means for categorizing communications, such as communications pertaining to meetings, and in turn recommending actions, such as the sending of electronic mail, based on the categorized communication (Azvine, column 1, lines 53 – 65).

Response to Arguments

8. Applicant's arguments filed on 10/11/2007 have been fully considered but they are not persuasive.

9. Regarding applicant's argument that Azvine or Dowling, alone or in combination, fail to disclose "a second staff in charge of the caller," please refer to the explanations pertaining to the rejections of claims 1, 7, and 8, *supra*.

10. The applicant has argued that the portion of Azvine (col. 7, lines 42 – 60) is admitted not to disclose the features of claim 2 in the "Response to Arguments" section and then cited again without any additional support. In regard to this argument, the examiner stated in the Final Office Action dated 7/11/2004, that "the previous Office Action (11/30/2006) did not disclose the limitations that take into account a second staff, because no second staff had been claimed in the prior set of claims." This statement was made, because the applicant argued in their Remarks, dated 3/29/2007, that "The Office Action (11/30/2006) asserts that Azvine, at column 7, lines 42 – 60, disclosed the claimed 'extracting information relating to the second staff, wherein the displaying includes displaying the information relating to the second staff in the window," as recited in dependent claim 2." This argument was incorrect, because the features described (second staff) pertaining to claim 2 were **not** claimed in the original claims (11/19/2003), and therefore the examiner's admission was that the first Nonfinal Office Action did not address those limitations, because they had not been claimed at that point.

However, pertaining to Azvine, Azvine's invention has been interpreted as applicable to all users, irrelevant of whether they use the invention on their own, on behalf of another user, or in cooperation with other users.

Furthermore, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure. The cited documents represent the general state of the art.

12. It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33,216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006,1009, 158 USPQ 275, 277 (CCPA 1968)).

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric A. Wiener whose telephone number is 571-270-1401. The examiner can normally be reached on Monday through Thursday from 9am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo, can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Eric Wiener
Patent Examiner
A.U. 2179

BA HUYNH
PRIMARY EXAMINER